

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
GURPREET KAUR

Plaintiff,

- against -

THE BANK OF TOKYO-MITSUBISHI UFJ,
LTD.

Defendant.
-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 29 MAR 2011

ECF CASE

10-CV-3774 (PAC)

[Signature]
PROPOSED ORDER

This matter having come before the Court by joint application by the parties, through written correspondence of Defendant's counsel, and good cause having been shown,

IT IS HEREBY ORDERED on this ___th day of March, 2011, that:

1. Fact discovery, including the deadline to complete fact depositions, is extended until May 19, 2011;

2. Expert reports are to be exchanged on or before May 30, 2011, any rebuttal expert reports are to be exchanged on or before June 20, 2011, and all expert discovery, including the deadline to complete expert depositions, is extended until July 15, 2011; and

3. The status conference scheduled for April 20, 2011 at 3:00 p.m. is cancelled and rescheduled for May 25, 2011 at 4:15 p.m.

[Signature of Paul A. Crotty]

29 MAR 2011

Hon. Paul A. Crotty, United States District Judge



620 Eighth Avenue
New York, New York 10018-1405
(212) 218-5500
fax (212) 218-5528
www.seyfarth.com

Writer's direct phone
212-218-5507
Writer's e-mail
dkesselman@seyfarth.com

March 25, 2011

VIA EMAIL

Hon. Paul A. Crotty
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street, Chambers 735
New York, New York 10007

Re: Kaur v. The Bank of Tokyo-Mitsubishi UFJ, Ltd.
Case No. 10-CV-3774 (PAC)

Dear Judge Crotty:

As the Court is aware, we represent Defendant The Bank of Tokyo-Mitsubishi UFJ, Ltd. ("BTMU") in the above-referenced matter. We write with the consent of counsel to Plaintiff Gurpreet Kaur ("Plaintiff") pursuant to Rule 1.E. of Your Honor's Individual Rules of Practice to request an extension of discovery as described below. This is BTMU's first request for an extension.¹ The request is made because as a result of Plaintiff's counsel's trial schedule, which extended beyond originally anticipated, the parties were not able to complete all discovery.

All discovery, including both fact and expert discovery, is scheduled to close on April 19, 2011. A status conference is also scheduled before Your Honor for April 20, 2011 at 3:00 pm. BTMU respectfully requests that the Scheduling Order be modified as described below because: (i) Plaintiff's counsel was on trial in the Superior Court for the State of New Jersey in a matter captioned as *Nasarimham Kethey v. University of Medicine and Dentistry*, Docket No. ESX-L-9997-06, from February 18 through March 22 preventing the parties from taking any depositions during that time; (ii) a third-party witness, Meghan Doherty, has indicated that she is unavailable from March 31 through April 22 and BTMU has therefore been unable to conduct her deposition; and (iii) as a result of Plaintiff's continued deposition on March 24 (conducted promptly upon

¹ A prior request for an extension of the discovery deadline was made by Plaintiff with BTMU's consent on November 23, 2011, and was granted by the Court on that same date, extending the close of fact discovery to March 7, 2011 and the close of expert discovery to April 19, 2011. (Docket No. 11.) In addition, during the status conference before the Court on February 8, 2011, the Court extended the date for the close of discovery to April 19, 2011 in light of Plaintiff's counsel's trial schedule. Plaintiff's counsel advised that his trial extended beyond originally anticipated.

ATLANTA BOSTON CHICAGO HOUSTON LOS ANGELES NEW YORK SACRAMENTO SAN FRANCISCO WASHINGTON, D.C. BRUSSELS



Hon. Paul A. Crotty
March 25, 2011
Page 2

Plaintiff's counsel's completion of his trial), BTMU determined that expert witnesses will be necessary to address Plaintiff's mitigation efforts since her June 2009 termination.

All document discovery has been completed, and the parties have been moving forward aggressively to complete as many deposition as possible within the current schedule, with three third party witness depositions scheduled for April 4-7. In light of the foregoing and BTMU's needed delay of its discovery to accommodate Plaintiff's counsel's trial schedule, the parties respectfully request that **fact discovery be extended to conclude on May 19, 2011 and that expert discovery be extended as follows: any expert reports to be exchanged on or before May 30, 2011; any rebuttal expert reports to be exchanged on or before June 20, 2011, and expert discovery (including expert depositions) to conclude on July 15, 2011.** In addition, the parties request that the Court adjourn the status conference currently scheduled for April 20, 2011 until a date convenient for the Court after the close of all discovery. The requested extensions are set forth for the Court's consideration on the enclosed Proposed Scheduling Order.

Thank you for Your Honor's consideration of this request. Should the Court have any questions, please do not hesitate to contact us.

Respectfully submitted,

SEYFARTH SHAW LLP

A handwritten signature in black ink, appearing to read "Dov Kesselman".

Dov Kesselman

cc: David Zatuchni, Esq. (*via email*)
Brian Murphy, Esq. (*via email*)